

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) CR No: 04-0044-SI
Plaintiff,)
v.) UNSEALING APPLICATION AND
VICTOR CONTE, et. al.,) PROPOSED ORDER
Defendants.)

The United States, by and through Joseph P. Russoniello, United States Attorney, and Jeffrey D. Nedrow, Assistant United States Attorney, hereby moves the Court for an order unsealing Docket # 101 in this file, the affidavit signed by Special Agent Jeff Novitzky and filed on July 13, 2004.¹ The United States had previously requested sealing of this affidavit because at the time the affidavit was filed, it addressed confidential matters regarding the handling of grand

¹The government previously submitted a similar version of this application and order for the unsealing of an affidavit dated July 6, 2004. The July 6, 2004 date, however, was in error; there was no affidavit submitted on that date. The instant application and order contain the correct date for the affidavit of July 13, 2004, the date the subject affidavit was actually filed. The government apologizes for any inconvenience caused by this error.

UNITED STATES' MOTION
TO UNSEAL AFFIDAVIT
AND PROPOSED ORDER
CR NO.: 04-0044-SI

1 jury transcripts in the original Balco case. As the unauthorized leak of grand jury material which
2 caused the filing of the affidavit has long since been resolved, there is no longer a need to
3 maintain this affidavit under seal.

4

5 DATED: February 17, 2009

Respectfully submitted,

6

JOSEPH P. RUSSONIELLO
United States Attorney

7

8

/s/

9

MATTHEW A. PARRELLA
JEFFREY D. NEDROW
JEFFREY R. FINIGAN
J. DOUGLAS WILSON
Assistant United States Attorneys

10

11

12

ORDER

13

In light of the government's motion, and for the reasons stated therein, the affidavit
14 signed by Special Agent Jeff Novitzky and filed under Docket # 101, dated July 13, 2004, is
15 hereby ordered unsealed.

16

IT IS SO ORDERED.

17

DATED: _____, 2009



18

19

SUSAN ILLSTON
United States District Judge

20

21

22

23

24

25

26

27

UNITED STATES' MOTION
TO UNSEAL AFFIDAVIT
AND PROPOSED ORDER
CR NO.: 04-0044-SI